

Case No. 4:07CV1733 CEJ

- On or before **June 2, 2008**, the parties shall simultaneously disclose expert witnesses and provide initial expert witness reports pursuant to Rule 26(a)(2) on the matters upon which the parties bear the burden of proof.
- On or before **July 11, 2008**, the parties may designate rebuttal experts and shall serve any rebuttal expert reports.
- Depositions of experts shall be completed by **August 1, 2008**.

(vi) Other matters:

- Electronic discovery. With respect to the disclosure or discovery of electronically stored information, each party shall comply with its respective obligations under the Federal Rules regarding the preservation of evidence, including electronically stored information. Each party shall produce electronically stored information in paper or electronic image format, unless otherwise agreed to by the parties. The format of produced information shall convey the same information and image as the original document. If a producing party has reason to believe that production of electronically stored information in a particular format would conceal relevant information specifically requested, then the producing party must notify the requesting party. If electronically stored information presents image or formatting problems, the producing party must notify the requesting party. The parties shall then meet and confer to resolve the problem. If the parties are unable to resolve the problem, the information shall be produced in the format in which it is ordinarily maintained.

- Inadvertent Production of Documents: The parties agree that if information is produced in discovery in this matter that is subject to a claim of privilege or of protection as trial-preparation material, the party making the claim may notify any party that received the information of the claim and the basis promptly after having discovered that such information was inadvertently produced. After being notified of the claim, a party receiving such information must promptly return, sequester or destroy the specified information and any copies and may not use or disclose the information until the claim is resolved. If the receiving party disclosed the information before being notified, it must take reasonable steps to retrieve it. If the receiving party disputes the claim or believes the protection has been waived, it may present the information to the court under seal within 30 days of receiving the notice for a determination of the claim. The producing party must preserve the information until the claim is resolved.
- Discovery, including expert discovery, shall be completed by **August 18, 2008.**

(c) Alternative Dispute Resolution. The parties propose that the Court refer the case to mediation on or about **April 1, 2008**, and that the referral end on or about April 30, 2008.

(d) The parties propose that dispositive motions shall be filed no later than **August 29, 2008.**

(e) The parties anticipate that this case should be ready for trial by **December 2008**, and the length of time expected to try the case to verdict is 3 to 4 trial days.

Date: January 10, 2008

Respectfully submitted,

**LEWIS, RICE & FINGERSH, L.C.**

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